

CRE.8243

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JOHN DUCA

§

§

v.

§ **C. A. NO. 3:17-cv-00516G**

§ **JURY**

**C R ENGLAND, INC. and ANTHONY
PERMODA**

§

§

AMENDED JOINT CASE MANAGEMENT PLAN

1. Statement of Case.

On or about January 21, 2015 Plaintiff is alleged to have suffered injuries as a result of a motor vehicle accident with Defendants.

Plaintiff alleges that Defendant Permoda, while acting in the course and scope of his employment with CR England, Inc. negligently operated his vehicle in a manner that was unsafe for his surroundings and which violated the Texas Transportation Code. Mr. Permoda drove his semi tractor-trailer in a lane designated for Highly Occupied Vehicles (HOV) in violation of the Texas Transportation Code. Mr. Permoda proceeded to attempt to exit this lane into the far-left lane of travel on Interstate I-30 heading East near Dolphin Rd. in Dallas, Texas. While doing so, Mr. Permoda, instead of paying attention to his surroundings and the lane he was merging into, was distracted by the use of an electronic device. Specifically, Mr. Permoda was looking at and operating his GPS device and took his eyes off of the road while merging. These negligent actions caused him to fail to yield the right of way to, and caused a collision with, Mr. Duca's vehicle. Mr. Permoda's tractor-trailer collided with the left side of Mr. Duca's vehicle, pushing it sideways and forwards down the roadway. Mr. Duca's head collided with the driver side window of the vehicle and he was jerked violently inside the passenger compartment. This caused damage to Mr. Duca's vehicle and injury to Mr. Duca for which he has sought reasonable and necessary medical care.

Defendants allege that damages sustained by Plaintiff, if any, were proximately caused in whole or in part prior and/or subsequent accidents, events, or occurrences.

2. *Challenges to Jurisdiction or Venue.*

None.

3. *Pending Motions.*

None at this time.

4. *Any Matters that Require a Conference with the Court*

None.

5. *Additional Parties.*

None known or anticipated.

6. (a) *Estimate of the time needed for discovery*

Both parties anticipate the need for 10 months to conclude discovery. The time requested by parties is due to the nature of the case and location of fact witnesses and anticipated experts.

(b) *Contemplated discovery*

Discovery will consist of written discover, deposition of 2 fact witnesses and the deposition of 2 experts in this matter.

7. *Requested Trial Date*

Both parties request a trial date on January 29, 2018. Both parties made their demands for jury in the Original Petition and Original Answers, respectively, filed in the 101st Judicial District Court of Dallas County, Texas, Cause No. DC-17-00575. Plaintiff anticipates he will require 12 hours to present her evidence and cross examine witnesses

Defendants anticipate they will require 8 hours to present their evidence and cross examine witnesses.

8. *Consent for Matter to Proceed Before United States Magistrate Judge.*

The parties do not agree for this matter to proceed before a U.S. Magistrate Judge.

9. *Status of Settlement Negotiations.*

The parties have communicated regarding settlement and it is anticipated that the communication will continue.

10. *Alternative Dispute Resolution.*

The parties agree to mediate this matter but have not yet agreed on a mediator. Counsels for the parties believe this matter will be ready for mediation by October of 2017.

11. *Matters Relevant to the Status and Disposition of this Case*

None known or anticipated at this time.

Respectfully submitted,

SMITH & LEE

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